

**641—40.113 (136C) Presence of representatives of licensees or registrants and workers during inspection.**

**40.113(1)** Each licensee or registrant shall afford to the agency at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these rules.

**40.113(2)** During an inspection, agency inspectors may consult privately with workers as specified in 40.114(136C). The licensee or registrant may accompany agency inspectors during other phases of an inspection.

**40.113(3)** If, at the time of inspection, an individual has been authorized by the workers to represent them during agency inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

**40.113(4)** Each worker's representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in 40.111(136C).

**40.113(5)** Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one worker's representative at a time may accompany the inspectors.

**40.113(6)** With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany agency inspectors during the inspection of physical working conditions.

**40.113(7)** Notwithstanding the other provisions of 40.113(136C), agency inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.